

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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United States of America,

Plaintiff

vs.

5:08-cr-298 (FJS)

Alphonso Benton,

Defendant

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**FREDERICK J. SCULLIN, JR.  
SENIOR U.S. DISTRICT JUDGE**

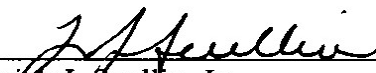
**ORDER CORRECTING SENTENCE BY SENTENCING JUDGE**

On March 24, 2009, the defendant appeared before this Court for sentencing. The Court issued a ruling as to the defendant's criminal history, adjusting it from a category V to a category IV, making the imprisonment range 70-87 months. Further, the Court departed downward to account for the time the defendant had already served on a related state offense. After these rulings, the Court imposed a sentence of 48 months imprisonment. At that time, the Court mistakenly did not consider the 5 year mandatory minimum penalty that it was required to impose. Therefore, pursuant to Fed.R.Crim.P.35(a), the Court must correct the sentence. All the rulings made on March 24, 2009 will remain in tact and the Court corrects the term of imprisonment as follows.

The defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of 60 months.

All other terms of the sentence shall remain the same. The Clerk is directed to enter an amended judgment accordingly.

**IT IS SO ORDERED.  
March 30, 2009**

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge

